

INTAKE DROP BOX  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO, and  
the PUERTO RICO POLICE DEPARTMENT,

Defendants;

JORGE DIAZ CASTRO,

as Defendant – Intervenor.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

No. 3:12-cv-2039

(GAG)

**MOTION REQUESTING EXPLICIT ORDER,  
EITHER IN RECONSIDERATION OF MOTION OR  
REQUESTING FURTHER CLARIFICATION OF ORDER**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

1. I, Jorge Diaz Castro, proposed Intervening Defendant in the instant case, move to request an explicit Order be issued by the Honourable Gustavo A. Gelpí, Presiding Judge, either in clarification of his Order(s) dated November 8<sup>th</sup>, 2013 (Docket No. 91), and November 18<sup>th</sup>, 2013 (Docket No. 94); or in reconsideration of my "Motion Requesting Information from the Record" and "Memorandum of Law" in support, filed on November 6<sup>th</sup>, 2013 (Docket No. 90); and my "Motion Requesting Clarification of Order" and "Memorandum of Law" in support, filed on November 15<sup>th</sup>, 2013 (Docket No. 93).
2. As PRO SE Appellant in cases No. 13-2079 and 13-2306, I hereby respectfully request that the Honourable Court carefully review the document at Docket No. 93.

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3. There is the possibility that there are material facts in relation to the budgetary issues discussed in various court proceedings that have not been made public.

4. This is an important issue on my appeal(s).

5. In response to my request for clarification of Order, the Honourable Gustavo A. Gelpí, in his Order dated November 18<sup>th</sup>, 2013 (Docket No. 91), stated (in reiteration):

Order noted 93 Motion to clarify. All transcripts [of in court proceedings] will be prepared and made part of record as per Court's orders. Signed by Gustavo A. Gelpí on 11/18/2013. *Id.*

6. On November 25<sup>th</sup>, 2013, I filed a "Motion Requesting a Statement of Facts and/or Issues" and "Memorandum of Law" in support thereof (Docket No. 95); which was denied on November 26<sup>th</sup>, 2013 (Docket No. 96).

7. In the "Motion Requesting Clarification of Order" filed on November 15<sup>th</sup>, 2013 (Docket No. 93), I stated that I was interested in the transcription of an in camera Settlement Conference that took place on April 11<sup>th</sup>, 2013, and during which Ms. Evily's Brathwaite was present as court reporter, as per the minute entry for proceedings dated 04/11/2013 (Docket No. 43):

Minute Entry for Proceedings held before Judge Gustavo A. Gelpí on 04/11/2013. Present *in court* [emphasis added] were: AUSA Luis E. Saucedo, atty Carlos del Valle on behalf of the defendants (PR) and Amicus Curiae.... *Id.*

Furthermore, this minute entry (Docket No. 43) was a retrievable document in PACER, with additional information therein specified; but currently, cannot be retrieved at all.

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8. In the same document (Docket No. 93) I requested the transcript of an in-court Settlement Conference on July 17<sup>th</sup>, 2013, during which Ms. Amy Walker was present as court reporter, as per Order dated July 15<sup>th</sup>, 2013 (Docket No. 56):

Order. Settlement Conference reset for 07/17/2013 5:00 P.M. *in Old San Juan Courtroom* [emphasis added] before Judge Gustavo A. Gelpí. ---  
Signed by Gustavo A. Gelpí on 11/15/2013. *Id.*

9. The corresponding minute entry, dated July 17<sup>th</sup>, 2013 (Docket No. 58), states that Ms. Amy Walker was present as Court Reporter.

10. However, in spite of the Honourable Court's Orders dated November 8<sup>th</sup>, 2013 (Docket No. 91) and November 18<sup>th</sup>, 2013 (Docket No. 94), no order was issued as to the transcripts that were to be prepared after December 1<sup>st</sup>, 2013; at least, it does not appear as such after carefully reviewing the docket.

11. On December 2, 2013, however, there appears a transcript of an in-court Status Conference held on October 30, 2013 (Docket No. 98); whereby a Technical Compliance Advisor was appointed; purposefully withholding any information in regards to the monetary compensation to be received.

12. However, no transcript has been done and/or ordered for the in-court proceedings that took place on April 11<sup>th</sup>, 2013; and July 17<sup>th</sup>, 2013.

13. We respectfully request the Honourable Court to issue an explicit order for the transcript of the above in-court proceedings from Ms. Evelyn Brathwaire and Ms. Amy Walker; respectively.

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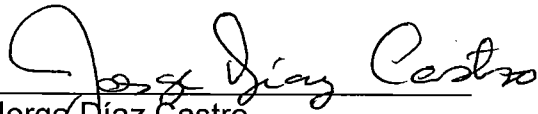
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14. Although the Honourable Gustavo A. Gelpí issued no order in this respect, he must be aware that there is no transcript for these in-court proceedings, as previously specified.

**WHEREFORE**, proposed Intervening Defendant Jorge Díaz Castro respectfully requests such explicit order requesting transcripts of in-court proceedings as is specified in the instant motion, to comply with the Orders issued by the Honourable Gustavo A. Gelpí, as specified above; to comply with the request by the Honourable First Circuit Court of Appeals, as required by Federal Rule of Appellate Procedure No. 10(b)(1) and Local Rule 10(a) of the Honourable First Circuit Court of Appeals.

**CERTIFICATION:** I hereby certify that today I filed the foregoing with the Clerk of the Court which, on information and belief, shall automatically notify counsel of record which are CM/ECF system participants at the corresponding e-mail address, and which pursuant to Local Civil Rule 5, constitutes the equivalent service.

**RESPECTFULLY SUBMITTED**, in San Juan, P.R., on this 16<sup>th</sup> day of January, 2014.

  
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